

**KENSINGTON, NEW HAMPSHIRE
PLANNING BOARD
WEDNESDAY, APRIL 17, 2024, 6:30 P.M.
AT KENSINGTON TOWN HALL, 95 AMESBURY ROAD, KENSINGTON, NH
MEETING MINUTES – DRAFT**

The Chairperson called the meeting to order at 6:30pm.

In Attendance: Justin McLane (Chairperson), Bob Solomon (Selectboard Representative), Marty Silvia (Member), Mary Smith (Member), and Glenn Greenwood (Town Planner).

PUBLIC HEARINGS:

J. McLane opened the public hearing and read the purpose of the hearing into the record:

**Planning Board Public Hearing:
Ben Richard
Owner: Unitil
1-75 Moulton Ridge Rd, Kensington, NH**

The applicant is requesting that the Planning Board grant approval under Article IV, Section 4.3.2 to perform line-clearance maintenance, pruning, and hazard tree removal work on overhead distribution lines that run along a scenic roadway (Moulton Ridge Road) in the town of Kensington. This work is necessary to ensure safe, reliable electric service.

Additionally, the applicant is requesting that the Planning Board grant approval to remove any hazard trees the ISA Certified Arborist deems a threat to overhead electrical wires. The reason for maintaining Moulton Ridge Road is due to the need to upgrade the line with new equipment for the upcoming cell tower installation.

Ben Richards of Unitil described the proposal to the board. He confirmed that this would not be a clear-cutting operation, and it was specifically targeting maintenance of trees in preparation of potential cell tower construction on Moulton Ridge. Mr. Richards explained that the work they would be doing on the trees (particularly Emerald Ash and Pine Trees) is typically on a schedule of routine maintenance. However, he stated that Vertex Towers contacted Unitil to request tree maintenance in preparation for the tower installation, as well as the upgrading of the poles and wires along Moulton Ridge Rd.

B. Solomon mentioned the pending litigation filed by residents of Kensington against the ZBA's decision to grant a variance to construct the town in June 2023. Mr. Richards stated that no work would be done on poles and wires unless the litigation is settled favorably for the town.

Mr. Richards explained that they are still in the planning phase of the project, and reiterated that the tree maintenance on Moulton Ridge Rd., while necessary to upgrade the electrical infrastructure, is the usual maintenance Unitil would conduct if on a normal maintenance schedule.

49 J. McLane asked if Unitil had a specific timeline to complete the work. G. Greenwood
50 interjected that though towns can apply conditions such as specific timelines, the scenic
51 roads law was established to create a streamlined process for utility companies to complete
52 necessary work, as the previous process could be long and cumbersome.

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55 The Chairperson opened to hearing to public comment.

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57 Hans Rutishauser of 51 Moulton Ridge Rd. asked if the when the Planning Board approved
58 the conditional use permit for the cell tower, were they aware that there would need to be
59 extensive maintenance and upgrades to trees, poles, and wires along Moulton Ridge Rd,
60 and if they had known about it, would it have impacted their decision. J. McLane and M.
61 Smith responded by highlighting the 50-60 year old again electrical infrastructure on the
62 road that is already in need of maintenance.

63
64 A resident at 51 Moulton Ridge Rd. expressed concerns with what she feels is a very
65 significant number of trees being cut.

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67 Anne Smith of 63 Moulton Ridge Rd. expressed concerns about an ash tree on her property
68 that she feels should be tagged but hasn't been.

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70 Denise Bernier of 29 Moulton Ridge Rd. expressed concern over her perception that the
71 town cannot say "no" to utility companies on these issues. She discussed her issues with
72 feeling compelled to consent to the work, as well as what she described as the utility
73 company leaving a mess behind them once work was complete.

74
75 Linda Bennet of 62 Moulton Ridge Rd. expressed concerns about the potential loss of the
76 tree canopy.

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78 Linda Gunn of 43 Moulton Ridge asked if the work would lead to wear and tear on the
79 road and increased traffic. J. McLane stated that while that issue was discussed during the
80 hearings held for the cell tower approval, it was not germane to the proposal in front of
81 them from Unitil.

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83 Peter Sawyer of 53 Moulton ridge Rd if there was a difference between the length of the
84 ribbons used to mark the trees, asked how Unitil will address emergency situations such as
85 public safety response. Mr. Sawyer also expressed concern about what he felt was the
86 ambiguity of the proposal.

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88 The Chairperson closed public comment and invited the applicant to address questions
89 from the public.

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91 Mr. Richards explained that the length and color of ribbons used to mark trees for
92 maintenance does not indicate the level of maintenance for a tree. He further explained
93 that the proposal was only to conduct maintenance on trees that are in the town's right of
94 way, and that homeowners must give their consent for Unitil to conduct any tree
95 maintenance. Mr. Richards explained that if a homeowner does not consent to tree removal,
96 a record is kept and if that tree does damage lines, once the lines are fixed, the felled tree
97 will be left for the homeowner to address.
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M. Smith asked the applicant to clarify if this maintenance is only for the cell tower, or, aside from pole and line maintenance, is the tree maintenance simply being moved up in schedule. Mr. Richards responded that the maintenance on the trees would eventually be done in the same way. He also explained that the poles that will be upgraded if cell tower commences in the future are the standard poles that are installed everywhere.

G. Greenwood asked the applicant how many poles would be installed, and how many feet apart the poles would be. Mr. Richards explained that there would be 41 poles approximately 150' +/- apart.

M. Smith asked how long the work would take. Mr. Richards responded that the work would take about 3 months in total.

The board commenced deliberation on the application. J. McLane stated that since the Planning Board approved the cell tower application, Unitil has the right to perform maintenance on trees and infrastructure. M. Smith asked what would happen if the board denied the application. G. Greenwood stated that they would most likely end up in court with the utility company. He further clarified that the state scenic roads law allows the town to apply additional conditions to the utility company performing work and maintenance. J. McLane highlighted that the RSA is in place to provide a forum for the town and residents to discuss the proposal with the applicant and provide questions and concerns. He stated that if the scenic roads law wasn't in place, Unitil would most likely already be cutting.

MOTION: M. Smith motioned to approve the request for Unitil to conduct maintenance from 1-75 Moulton Ridge Rd. with the following condition:

1. That Unitil conduct the maintenance in such a way that residents of Moulton Ridge Rd will have full access to their property, and that Unitil will work closely with residents and public safety departments in Kensington to ensure that work is safe and on schedule.

M. Silvia seconded. All in favor.

The Chairperson closed the public hearing.

UPDATES ON PRIOR BUSINESS:

- **Budget for Master Plan Survey Mailings**

B. Solomon said that the Selectboard is willing to spend money to do the survey correctly.

- **Site Plan Review**

Tabled until the May 8, 2024 workshop to allow absent board members to participate in the discussion and approval.

- **New Planning Board Member Discussion**

The board agreed to work on a process of appointment in order to make things fair and equitable, and to request that the applicants for Board membership attend two Planning Board meetings

before a candidate is selected for appointment. J. McLane suggested that the Land Use Administrative assistant coordinated with the applicants to hold discussions with the board chair.

Approval of Minutes from March 20, 2024.

MOTION: M. Smith motioned to approved the March 20, 2024 meeting minutes as amended. M. Silvia seconded. All in favor.

Any other business brought before the Planning Board

Donna Carter of 119 Amesbury Rd. was in attendance to inquire if 98-100 Amesbury Rd. could be converted to 4 residential units from its current commercial use in the R/A district. The board discussed the issue. J. McLane stated that he feels that this is a zoning issue, and that gathering information from town files would be helpful in order to be able to provide guidance to Ms. Carter, and advice from legal counsel could be prudent if not enough information is available.

Next Regular Monthly Meeting: Wednesday, May 15, 2024, at 6:30pm

Adjournment

MOTION: M. Smith motioned to adjourn the meeting. M. Silvia seconded. All in favor.

Respectfully Submitted,

Owen Corcoran

Land Use Administrative Assistant